

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY, INC., PRODUCTS LIABILITY)	
LITIGATION)	
)	MDL No.: 2419
)	Master Docket No.: 1:13-md-2419-FDS
THIS DOCUMENT RELATES TO:)	
)	
All actions.)	

**DECLARATION OF PATRICK T. FENNELL, ESQ. IN SUPPORT OF PLAINTIFFS’
STEERING COMMITTEE’S MOTION TO COMPEL PRODUCTION, FOR A FINDING
OF CIVIL CONTEMPT, AND FOR AN AWARD OF SANCTIONS**

I, Patrick T. Fennell, state the following:

1. I am an attorney representing plaintiffs, and a member of the Plaintiffs’ Steering Committee (“PSC”), in the above-captioned litigation. I have personal knowledge of the following information and I am competent to testify to the same.

2. On December 12, 2013, on behalf of the PSC, I contacted Attorney Michelle Marzullo, counsel for Baltimore Pain Management Center (“BPMC”), in order to meet and confer regarding BPMC’s position in response to the PSC Subpoena and the Discovery Order, and specifically her letter to Attorney Elisha Hawk, plaintiffs’ counsel, dated December 3, 2013 (Exhibit F to the Memorandum in Support), in which Ms. Marzullo states that “Baltimore Pain Management Center, to its knowledge, has no patients who have filed suit, joined the MDL litigation or given notice of a claim against the Baltimore Pain Management Center relating to NECC medications.” When I asked Ms. Marzullo about the emails and letter she received from Ms. Hawk specifically giving notice of claims against BPMC on behalf of two named individuals (Exhibits C, D and E), Ms. Marzullo said that BPMC’s position, that BPMC had not been given notice of a claim against it, had not changed.

Date: January 17, 2014

Respectfully submitted:

A handwritten signature in black ink, reading "Patrick T. Fennell". The signature is fluid and cursive, with the first name "Patrick" and last name "Fennell" clearly distinguishable.

Patrick T. Fennell (VSB 40393)

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